

#17

DOCKET NO.: CELG-0085

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Atul M. Mehta et al.

Serial No.: 09/038,470

Group Art Unit: 1615

Filing Date: March 11, 1998

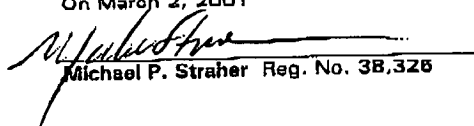
Examiner: W. Benston Jr.

For: Improved Delivery of Multiple Doses of Medications

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Assistant Commissioner for Patents on the date shown below.

On March 2, 2001


Michael P. Straher Reg. No. 38,326

Assistant Commissioner for Patents
Washington DC 20231

PETITION FOR WITHDRAWAL OF ABANDONMENT

PETITION

Applicant petitions that the abandonment set forth in the notice mailed by the Office on January 4, 2001 be withdrawn.

SUBMISSION

Submitted herewith is:

(check and complete each appropriate item below)

☐ A copy of the page of the response mailed on _____, showing a Certificate of Mailing executed on _____.

☒ A copy of the postcard identifying the papers filed and showing the

U.S. PTO receipt stamp dated May 15, 2000.

- ☒ A copy of the complete response (Request for CPA) previously filed.
- ☐ A copy of the cancelled check(s) referring to the response identified above.
- ☐ A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is checked.

Please proceed with further examination of this application on the basis of:

- ☐ The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- ☒ The attached copy of the papers originally filed.

PETITION FEE/REFUND

The petition fee of \$130.00 (37 CFR 1.17(h)) is paid as follows:

- ☐ Enclosed please find a check in the amount of \$130.00
- ☒ Please charge Deposit Account No. 23-3050 the sum of \$130.00. A duplicate of this petition is enclosed.
- ☒ Please charge Deposit Account No. 23-3050 for any fee deficiency or credit this account for any overpayment for this petition.

REQUEST FOR REFUND OF PETITION FEE


- ☒ As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT



Acknowledgment of the active status of this application is respectfully requested.

Date: March 2, 2001


Michael P. Straher
Registration No. 38,325

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

DOCKET NO.: CELG-0085

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CONTINUED PROSECUTION
APPLICATION** Relating to the
Application of:
Atul M. Mehta et al.

Serial No.: 09/038,470

Group Art Unit: 1615

Filing Date: March 11, 1998

Examiner: W. Benston Jr.

**For: Improved Delivery of Multiple
Doses of Medications**

EXPRESS MAIL INFORMATION

EXPRESS MAIL LABEL NO: EL531276790US

DATE OF DEPOSIT: May 15, 2000

Box CPA
Assistant Commissioner for Patents
Washington DC 20231

Sir:

**CONTINUED PROSECUTION APPLICATION REQUEST
AND REQUEST FOR EXTENSION OF TIME**

This is a request for filing a Continued Prosecution Patent Application based upon the above-referenced, pending patent application. It is requested that the file jacket and contents of the above-referenced, prior application including the specification, drawings, and oath or declaration, be used to constitute the new application and that the same serial number be assigned thereto for identification purposes.

☒ It is requested that the above-referenced application be expressly abandoned after this application is deemed to be completely on file and after granting any necessary extensions of time.

☒ The above-referenced application is not a provisional application.

- ☒ The above-referenced application is complete and was filed either as an originating United States application or as the national stage of a PCT application in compliance with 35 U.S.C. 371.
- ☒ The above-referenced application has not been abandoned and proceedings have not been terminated therein. No issue fee has been paid in that application.
- ☒ The inventors of this application are:
- ☒ The same as those named in the above-referenced application on the date of the filing of this application;
- ☐ Fewer than all of the inventors named in the above-referenced application on the date of the filing of this application. This paper is accompanied by a statement requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed in this application.
- ☐ Enter in this application the amendment previously filed on _____, but not yet entered in the above-referenced application.
- ☐ A preliminary amendment accompanies this application. This amendment is in the form of an amendment to the prior application as it existed on the date of the filing of this application. NO NEW MATTER is being added by way of this amendment.

Also enclosed are the following:

- ☒ Information Disclosure Statement.
- ☒ PTO Form 1449.
- ☐ A copy of each of the references listed on the attached Form PTO-1449.
- ☒ An Associate Power of Attorney.
- ☒ An ☐ Executed ☐ Copy of Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27
- ☐ is enclosed.
- ☒ has been filed in prior application Serial No. 09/038,470 filed March 11, 1998, said status is still proper and desired in present case.

☒ Return Receipt Postcard (should be specifically itemized).

FEE CALCULATION

NUMBERS OF CLAIMS ARE CALCULATED AFTER ENTRY OF ANY AMENDMENT AND IN VIEW OF ALL AMENDMENTS IN PRIOR APPLICATION			SMALL ENTITY		NOT SMALL ENTITY	
	No. Filed	No. Extra	RATE	FEE	RATE	FEE
BASIC FEE				\$345		\$680
TOTAL CLAIMS	12- 20 = (minimum)	0	\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS	4- 3 = (minimum)	1	\$39 EACH	\$39	\$78 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			\$130	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME			\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME			\$190	\$	\$380	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME			\$435	\$	\$870	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME			\$680	\$	\$1380	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME			\$925	\$	\$1850	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$)	minus	(\$)
TOTAL FEE DUE				\$384		\$

☒ A Check is enclosed in the amount of \$ 384.

☐ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).

☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit


account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this application.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).
- ☐ The issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance.
- ☒ The Power of Attorney appears in the prior application.
- ☐ A new Power of Attorney is enclosed.
- ☒ Address all Correspondence as follows:

Michael P. Straher, Esq.
Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: May 15, 2000



Michael P. Straher
Registration No. 38,325

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NO. 15
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

ROYAL BANK
OF CANADA

0093143

60-109318

VOUCHER # 72487

DATE

AMOUNT

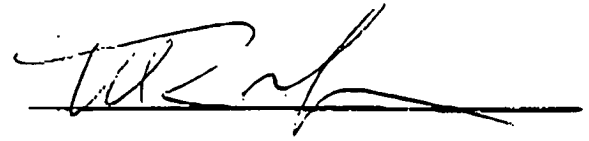
05/15/00

\$384.00

BY

THREE HUNDRED EIGHTY-FOUR AND 00/100

COMM. OF PATENTS & TRADEMARKS
ORDER



WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

0093143

DATE		DESCRIPTION	AMOUNT
5/00	0085	CELG	\$384.00

POST OFFICE TO ADDRESSEE

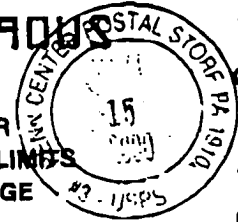


EL531276790US

EL531276790US

ORIGIN (POSTAL USE ONLY)		Flat Rate Envelope	
PO ZIP Code 11103	Day of Delivery First Second		
Date In 5/15/06	Time In 3 PM	Postage \$ 11.75	
Time In 3:11 PM	Military Dom Day 3rd Day	Return Receipt Fee	
Weight 4.13 lbs	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery Weekend Holiday	Acceptance Clerk Initials gk	Total Postage & Fees \$ 11.75	

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SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE



Customer Copy
Valid 11-F July 1997

METHOD OF PAYMENT: Express Mail Corporate Acct. No. 8192459		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only: Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery. <input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	
Federal Agency Acct. No. or Postal Service Acct. No. 026-0085		Customer Signature	
FROM: (PLEASE PRINT) Straker & J. J. J. J. 11111111111111111111 PHILADELPHIA PA 19103-7301		TO: (PLEASE PRINT) Box CPA ASSISTANT COMM. FOR PATENT WASHINGTON DC 20231	

PRESS HARD

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.gov



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mehta et al.

Serial No.: 09/038,470

Group Art Unit: 1615

Filing Date: March 11, 1998

Examiner: W. Benston, Jr.

For: Delivery of Multiple Doses of Medications

**Assistant Commissioner for Patents
Washington DC 20231**

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:

- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$240.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, therefore:
 - ☐ Certification in Accordance with §1.97(e) is attached; or
 - ☐ The fee of \$240.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$130.00 as set forth in §1.17(i)(1).
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☒ copies of the references listed on the attached Form PTO-1449 are being provided to the Examiner under separate cover
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
EXCEPT THAT:
 - ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
 - ☐ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office

in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:

☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .


☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
This form is submitted in duplicate.

The relevance of those listed references which are not in the English language is as follows:

Reference AL is a French application which is believed to correspond to U.S. patent No. 4,968,505, reference AH.

Date: May 15, 2000


Michael P. Straher
Registration No. 38,325

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office				Docket No. CELG-0085		Serial No. 09/038,470	
				Applicant Mehta et al.			
				Filing Date March 11, 1998		Group 1615	
U. S. PATENT DOCUMENTS							
Examiner Initial		Document No.	Date	Name	Class	Subclass	
	AA	5,133,974	07/28/92	Paradissis et al.	424	480	
	AB	5,580,578	12/03/96	Oshlack et al.	424	468	
	AC	5,232,705	08/03/93	Wong et al.	424	473	
	AD	5,874,090	02/23/99	Baker et al.	424	400	
	AE	5,156,850	10/20/92	Wong et al.	424	473	
	AF	5,223,265	06/29/93	Wong	424	473	
	AG	5,308,348	05/03/94	Balaban et al.	604	892.1	
	AH	4,968,505	11/06/90	Okada et al.	424	400	
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document No.	Date	Country	Translation YES NO		
	AI	1,297,368	17.03.92	Canada	X		
	AJ	WO 98/23263	04.06.98	PCT	X		
	AK	WO 98/14168	09.04.98	PCT	X		
	AL	WO 99/62496	09.12.99	PCT	X		
	AM	2 635 460	16.09.94	France			
	AN	WO 93/05769	01.04.93	PCT	X		
	AO	WO 98/06380	19.02.98	PCT	X		
EXAMINER				DATE CONSIDERED			

DOCKET NO. CELG-0085

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mehta et al.

Serial No.: 09/038,470

Group Art Unit: 1615

Filed: March 11, 1998

Examiner: J. Benston Jr.

**For: Improved Delivery of Multiple Doses of
Medications**

**Assistant Commissioner for Patents
Washington DC 20231**

Sir:

ASSOCIATE POWER OF ATTORNEY

The undersigned, of the firm **WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania
19103, Attorney and/or Agents for Applicant(s), hereby appoints the following:

Robert B. Washburn	Registration No. 16,574	Anthony J. Rossi	Registration No. 24,053
Richard E. Kurtz	Registration No. 19,263	Terence P. Strobaugh	Registration No. 25,460
John J. Mackiewicz	Registration No. 19,709	Lynn A. Malinoski	Registration No. 38,788
Norman L. Norris	Registration No. 24,196	Michael J. Swope	Registration No. 38,041
Dale M. Heist	Registration No. 28,425	Michael J. Bonella	Registration No. 41,628
John W. Caldwell	Registration No. 28,937	Harold H. Fullmer	Registration No. 42,560
Gary H. Levin	Registration No. 28,734	William R. Richter	Registration No. 43,879
Steven J. Rocci	Registration No. 30,489	John E. McGlynn	Registration No. 42,863
Dianne B. Elderkin	Registration No. 28,598	Kimberly R. Hild	Registration No. 39,224
John F. Donohue, Jr.	Registration No. 29,916	Jonathan M. Waldman	Registration No. 40,861
Henrik D. Parker	Registration No. 31,863	Chad Ziegler	Registration No. 44,273
Suzanne E. Miller	Registration No. 32,279	Gwilym J.O. Attwell	Registration No. 45,449
Lynn B. Morreale	Registration No. 32,842	David N. Farsiou	Registration No. 44,104
Mark DeLuca	Registration No. 33,229	Paul K. Legaard	Registration No. 38,534
Joseph Lucci	Registration No. 33,307	Maureen S. Gibbons	Registration No. 44,121
Michael P. Dunnam	Registration No. 32,611	Steven H. Meyer	Registration No. 37,189
Michael D. Stein	Registration No. 34,734	Paul B. Milcetic	Registration No. 46,261
Albert J. Marcellino	Registration No. 34,664	Joseph R. Condo	Registration No. 42,431
David R. Bailey	Registration No. 35,057	Michael K. Jones	Registration No. 41,100
Doreen Yatko Trujillo	Registration No. 35,719	Frank T. Carroll	Registration No. 42,392
Barbara L. Mullin	Registration No. 38,250	Hans J. Crosby	Registration No. 44,634
Kevin M. Flannery	Registration No. 35,871	Mark J. Rosen	Registration No. 39,822
David A. Cherry	Registration No. 35,099	Rena Patel	Registration No. 41,412
Albert W. Preston, Jr.	Registration No. 25,366	Mitchell R. Brustein	Registration No. 38,394
Francis A. Paintin	Registration No. 19,386	Peter M. Ullman	Registration No. 43,963

DOCKET NO. CELG-0085

- 2 -


PATENT

Thomas E. Watson Registration No. 43,243
Richard B. LeBlanc Registration No. 39,495
S. Maurice Valla Registration No. 43,966
Vincent J. Roccia Registration No. 43,887
Robin S. Quartin Registration No. 45,028

Maria M. Kourtakis Registration No. 41,126
Gregory L. Hillyer Registration No. 44,154
Patrick J. Farley Registration No. 42,524

his/her associates with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that correspondence continue to be directed to the firm of WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP at the above address.

Date: May 15, 2000



Michael P. Straher
Registration No. 38,325

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
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Philadelphia PA 19103
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